

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

PHILANDER BUTLER,	}	
	}	
Petitioner,	}	
	}	
vs.	}	No. 10-2230-STA-dkv
	}	
ROBERT E. COOPER, JR., et al.,	}	
	}	
Respondents.	}	
	}	

ORDER FOR RESPONDENTS TO FILE RECORD AND TO RESPOND

On April 2, 2010, Petitioner Philander Butler, Bureau of Prisons inmate registration number 16665-076, an inmate at the Federal Correctional Institution in Memphis, Tennessee ("FCI Memphis"), filed a pro se petition pursuant to 28 U.S.C. § 2254, accompanied by a legal memorandum and numerous attachments. Petitioner paid the habeas filing fee. The Clerk shall record the respondents as Tennessee Attorney General Robert E. Cooper, Jr. and Juan Castillo, the Warden of FCI Memphis.¹

It is ORDERED, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, that

¹ Pursuant to Rule 2(b) of the Rules Governing Section 2254 Cases in the United States District Courts, "[i]f the petitioner is not yet in custody—but may be subject to future custody—under the state-court judgment being contested, the petition must name as respondents both the officer who has current custody and the attorney general of the state where the judgment was entered." Although the petition does not allege that Butler may be subject to future custody, the Tennessee Attorney General is the proper respondent to a habeas petition challenging a Tennessee judgment.

Respondents file a response to the petition within twenty-three (23) days. The response of Respondent Cooper shall include the complete trial and appellate record of Petitioner's original case and any subsequent state petitions for collateral relief.

It is further ORDERED, pursuant to Rule 4, that the Clerk shall send a copy of the petition and this order to Respondent Cooper by certified mail.² The Clerk shall send copies of the petition and this order by certified mail to Respondent Castillo, the United States Attorney General, and the United States Attorney for the Western District of Tennessee.

IT IS SO ORDERED this 14th day of June, 2010.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

² Counsel for the Tennessee Attorney General previously received automatic notification of the filing of all § 2254 petitions through the Court's electronic case filing system. As the attorney assigned as counsel in this matter is no longer employed by the Tennessee Attorney General, notification by certified mail is necessary to ensure timely receipt of this order.